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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,158	03/16/2001	Jerry Brett Earnest	WELL0017	9050

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EXAMINER	
CHANG, JUNGWON	
ART UNIT	**PAPER NUMBER**
2154	3

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/810,158	EARNEST, JERRY BRETT
	Examiner	Art Unit
	Jungwon Chang	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-13 and 16* is/are rejected.

7)☒ Claim(s) *10,14 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2, 3*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-16 are presented for examination.

2. It is noted that although claims contain line numbers, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The claim language in the following claims is not clearly understood:

i. As to claim 16, line 8, it is not clearly understood what is meant by "re route" (i.e., re-route? or route?);

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-9 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al. (US 6,161,130), hereinafter Horvitz, in view of Suchter (US 6,675,161), Chen et al. (US 5,832,208), hereinafter Chen.

7. Horvitz was cited in IDS filed on 7/24/2002.

8. As to claim 4, Horvitz discloses the invention substantially as claimed, a method for automatically detecting unwanted messages (i.e., spam) in a system (i.e., automatically detect and classify spam in an incoming stream of e-mail messages; col. 4, lines 23-31) that includes a message server (i.e., mail server) for routing incoming message files to a directory (i.e., mail classifier separates each incoming messages to legitimate mail folder (non-spam) and spam mail folder; col. 8, lines 51-66; classifying incoming e-mail messages for client, our inventive classifier can reside in a server, such as in, e.g., a mail server...; col. 25, lines 51-55), the method comprising the step of:

accessing said directory (223, 227, figs. 2 and 3A) and for identifying said message files (i.e., classifying incoming e-mail messages and storing the messages to legitimate mail folder (non-spam) and spam mail folder; col. 8, lines 51-66);

locating any of an address-of-origin, subject, or other specified criteria within each said message file (i.e., sender, subject; col. 7, lines 56-62; particular domain type (originating

from .com or .net domain types); col. 9, lines 39-51);

identifying whether each said message file should be considered spam (i.e., analyzing each incoming e-mail message to determine whether the message is spam; col. 4, lines 54-67; col. 5, lines 1-4 and 21-34; col. 8, lines 40-45; col. 9, lines 19-30 and 61-62);

separating said spam (227, figs. 2 and 3A) and non-spam (223, figs. 2 and 3A) message files logically (i.e., separating each incoming messages to legitimate mail folder (non-spam) and spam mail folder; col. 8, lines 57-60; col. 14, lines 8-19);

9. Horvitz discloses a process physically moving said message files in a predetermined fashion (i.e., move a message from one folder to another; col. 5, lines 54-65; col. 9, lines 12-17); and user interface allows manipulation of spam (col. 13, lines 9-11). However, Horvitz does not specifically disclose renaming the message files in a predetermined fashion. Suchter discloses renaming the message files in a predetermined fashion (i.e., electronic documents that have been renamed; col. 10, lines 31-37; col. 13, lines 18-20 and 53-59; col. 17, lines 40-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Suchter because Suchter's renaming the message file would improve file management system by allowing a user or system administrator to manipulate files and folders.

Horvitz does not specifically disclose a real time. However, Chen discloses detecting

unwanted messages in real time (i.e., real-time scanning capabilities that will scan e-mail attachments for viruses upon receipt of a new e-mail message; col. 6, lines 1-4; col. 12, lines 53-67; real-time scanning capability is implemented for Microsoft's Exchange Server program; col. 13, lines 5-12; real-time scanning capability is implemented for mail servers other than the Microsoft Exchange Server; col. 14, lines 45-52; col. 18, lines 28-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Chen because detecting junk email in real-time in Chen's system would improve the email filtering of Horvitz's system by allowing the user or system administrator to detect new incoming message that includes unwanted message in real time basis.

10. As to claim 1, Horvitz discloses the invention as claimed, including an apparatus for automatically detecting unwanted messages (i.e., spam) in a system (i.e., automatically detect and classify spam in an incoming stream of e-mail messages; col. 4, lines 23-31) that includes a message server (i.e., mail server) for routing incoming message files to a directory (i.e., mail classifier separates each incoming messages to legitimate mail folder (non-spam) and spam mail folder; col. 8, lines 51-66; classifying incoming e-mail messages for client, our inventive classifier can reside in a server, such as in, e.g., a mail server...; col. 25, lines 51-55), the apparatus comprising:

a redundant email address detection and capture system (READACS) (i.e., mail classifier; 210, figs. 2 and 3A), said READACS comprising a computer implemented program (i.e., software modules; col. 14, line 66 – col. 15, line 6) comprising:

a process for accessing said directory (223, 227, figs. 2 and 3A) and for identifying said message files (i.e., classifying incoming e-mail messages and storing the messages to legitimate mail folder (non-spam) and spam mail folder; col. 8, lines 51-66);

a process for locating any of an address-of-origin, subject, or other specified criteria within each said message file (i.e., sender, subject; col. 7, lines 56-62; particular domain type (originating from .com or .net domain types); col. 9, lines 39-51);

a process for identifying whether each said message file should be considered spam (i.e., analyzing each incoming e-mail message to determine whether the message is spam; col. 4, lines 54-67; col. 5, lines 1-4 and 21-34; col. 8, lines 40-45; col. 9, lines 19-30 and 61-62);

a process for separating said spam (227, figs. 2 and 3A) and non-spam (223, figs. 2 and 3A) message files logically (i.e., separating each incoming messages to legitimate mail folder (non-spam) and spam mail folder; col. 8, lines 57-60; col. 14, lines 8-19).

11. Horvitz discloses a process physically moving said message files in a predetermined fashion (i.e., move a message from one folder to another; col. 5, lines 54-65; col. 9, lines 12-17); and user interface allows manipulation of spam (col. 13, lines 9-11). However, Horvitz does not specifically disclose renaming the message files in a predetermined fashion. Suchter discloses renaming the message files in a predetermined fashion (i.e., electronic documents that have been renamed; col. 10,

lines 31-37; col. 13, lines 18-20 and 53-59; col. 17, lines 40-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Suchter because Suchter's renaming the message file would improve file management system by allowing a user or system administrator to manipulate files and folders.

Horvitz does not specifically disclose a real time. However, Chen discloses detecting unwanted messages in real time (i.e., real-time scanning capabilities that will scan e-mail attachments for viruses upon receipt of a new e-mail message; col. 6, lines 1-4; col. 12, lines 53-67; real-time scanning capability is implemented for Microsoft's Exchange Server program; col. 13, lines 5-12; real-time scanning capability is implemented for mail servers other than the Microsoft Exchange Server; col. 14, lines 45-52; col. 18, lines 28-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Chen because detecting junk email in real-time in Chen's system would improve the email filtering of Horvitz's system by allowing the user or system administrator to detect new incoming message that includes unwanted message in real time basis.

12. As to claim 2, Horvitz discloses identifying whether each said message file should be considered spam applies any of a frequency threshold and a quantity threshold (col. 5, lines 1-14; i.e., probabilistic measure as to whether that message is spam or not. This measure is then compared against a preset threshold value; col. 9,

line 62 – col. 10, line 2; col. 13, lines 23-28).

13. As to claims 3 and 5-9, Horvitz discloses identifying files from a process for identifying whether each said message file should be considered spam (col. 4, lines 54-67); message files are analyzed and determined to be spam or non-spam through a combination of a time threshold, bypass exceptions and tolerance, and a maximum number of allowed messages from any one address (col. 5, lines 1-14; col. 10, lines 9-38).

14. As to claim 16, it is rejected for the same reasons set forth in claims 1 and 4 above. In addition, Horvitz discloses a public network (5, fig. 1) for routing email messages to a destination (i.e., intended recipient) (col. 7, lines 2-4); a destination mail server (i.e., recipient mail server; col. 7, lines 36-39 and 48-51; col. 25, lines 51-55); a mechanism at said mail server for identifying newly arrived messages (i.e., identifying each incoming messages; col. 4, lines 54-67; col. 8, lines 40-45); a directory to which are newly arrived messages (223, 227, figs. 2 and 3A); a mechanism for examining messages in said directory and for classifying said message as spam or non-spam based on a number of messages received from an identified sending address within a specific interval (i.e., threshold) (i.e., analyzing each incoming e-mail message to determine whether the message is spam; col. 4, lines 54-67; col. 5, lines 1-4 and 21-34; col. 8, lines 40-45; col. 9, lines 19-30 and 61-62).

15. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al. (US 6,161,130), in view of Suchter (US 6,675,161), Chen et al. (US 5,832,208), William Soderstrom et al. (US 6,321,222), hereinafter William Soderstom.

16. As to claim 11, it is rejected for the same reasons set forth in claims 1 and 4 above. In addition, Horvitz discloses receiving a message file at a host system (i.e., Internet will route the message to a mail server that services that particular recipient; col. 7, lines 36-39 and 48-51; col. 25, lines 51-55); routing said message file to said directory (223, 227, figs. 2 and 3A) (i.e., storing the messages to legitimate mail folder (non-spam) and spam mail folder; col. 8, lines 51-66). Horvitz discloses a sender having a particular domain type (.com or .net, i.e., suffix; col. 9, liens 37-51). Horvitz, Suchter, and Chen do not specifically disclose message file with a prefix and/or suffix that allows it to be identified as a new message. However, William Soderstom discloses message file with a prefix and/or suffix that allows it to be identified as a new message (i.e., prefix table of email; col. 2, lines 29-38; suffix of email; col. 4, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz, Suchter, Chen and William Soderstrom because William Soderstrom's prefix and suffix would provide for accessing email service.

17. As to claims 12 and 13, Horvitz discloses identifying files from a process for identifying whether each said message file should be considered spam (col. 4, lines 54-67); message files are analyzed and determined to be spam or non-spam through a

combination of a time threshold, bypass exceptions and tolerance, and a maximum number of allowed messages from any one address (col. 5, lines 1-14; col. 10, lines 9-38).

18. Claims 10, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
Moon et al, patent 6,088,696, Aronson et al, patent 6,654,787, Hall, patent 6,643,686, Russell-Falla et al, patent 6,266,664, Kephart, patent 6,732,149 disclose system and method for filtering or scanning email message to detect spam.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWC
July 9, 2004

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